

Brownfields Resource Guide

Guide to Agency Assistance for
Brownfields Redevelopment in Washington State
March 2005

*A joint effort of:
Washington Department of Ecology
Washington State Community, Trade and Economic Development,
and Region 10 of the Environmental Protection Agency*

Contents

Introduction:

Brownfields Redevelopment

General Interest:

Assessment and Cleanup Information

Resources:

Cleanup Programs

Clarifying Liability

Funding/Financing

Permits

Insurance

Washington Brownfields Highlights

ECY #97-608 (Revised March 2005)






Introduction:

Brownfields Redevelopment

Brownfields are properties that are abandoned or underused because of environmental contamination, or perceived contamination from past industrial or commercial practices. Often the potential liability associated with contamination complicates business development, property transactions or expansion on the property. Now, all over the country, communities, developers, government officials, and others, are working to change the way we manage and regulate brownfields to encourage redevelopment of these sites. A new federal brownfields law took effect on January 11, 2002, which established new protections from federal Superfund liability and gave USEPA new authorities and resources, including the ability to offer brownfields cleanup grants and help in addressing petroleum-contaminated sites. Brownfields cleanup and reuse are priorities for the State of Washington and USEPA. This resource guide will point you in the right direction to get answers to your questions and help with brownfield projects.







The Benefits of Brownfields Redevelopment

When land available for new development is expensive and scarce, brownfields properties can offer significant benefits. For example, brownfields properties often:



-  Are in desirable locations such as near city centers, in waterfront areas, near transportation, near utilities and near a ready pool of workers or patrons.
-  Have facilities that can be reused such as buildings, docks, transportation infrastructure, etc. These may allow reduced costs compared to building new facilities.
-  Cost less to purchase.
-  Might be eligible for benefits or incentives such as state or federal tax programs and financial assistance.
-  Provide great value to the community by supporting commercial and/or industrial jobs and improving the tax base or, when appropriate, recreational or leisure opportunities, retail development, increased tourism, and by preserving greenfields from development.

Kinds of Assistance

To promote redevelopment of brownfields in the State of Washington, state and federal agencies have taken steps to:

-  Clarify liability for hazardous waste problems through state and federal cleanup policies.
-  Provide technical assistance to local governments, tribes and private entities.
-  Make agency hazardous site lists and site status readily accessible to the public.
-  Enter into agreements with prospective purchasers of contaminated property to provide certainty with regard to cleanup requirements and long-term liability.
-  Implement programs in which property owners can expediently cleanup sites and receive cleanup approval from Ecology if the work meets state cleanup standards.
-  Assist insurance policy owners in settling environmental claims.

Depending upon the circumstances at the site, there may be financial assistance for site redevelopment, including:

-  State or federal grants, low-interest loans or tax incentives.
-  Brownfields insurance packages purchased through the private sector to cap estimated cleanup costs.

General Interest:

Assessment and Cleanup Information

USEPA Brownfields Web Pages

EPA Brownfields Program Web Pages

Rich source of information on the USEPA National Brownfields Program, grants, related policies and projects.

National WEB Site address:

<http://www.epa.gov/brownfields>

Region 10 Brownfields Web Site address:

<http://www.epa.gov/brownfields> (select “Brownfields” from index)

Contact: Deborah Burgess

Phone: toll free at 1-800-424-4EPA or 1-360-753-9079

E-Mail: burgess.deborah@epa.gov

US Environmental Protection Agency, Region 10, Seattle

Contact: Timothy Brincefield

Phone: toll free at 1-800-424-4EPA or (206) 553-2100

E-Mail: brincefield.timothy@epa.gov

US Environmental Protection Agency, Region 10, Seattle

Ecology Toxics Cleanup Program Web Page

This includes a current list of cleanup policies and guidance documents, and other information related to the Toxics Cleanup Program.

WEB Site address:

<http://www.ecy.wa.gov/programs/tcp/cleanup.html>

Contact: Kathi Scanlan or Toxics Cleanup Program Staff

Phone: (360) 407-7146 or (360) 407-7170

Washington State Department of Ecology, Toxics Cleanup Program

Ecology Regional Offices

For site-specific cleanup information, these offices may be contacted:

Northwest Regional Office

Phone: (425) 649-7000 (voice) or (800) 833-6388 (TTY)

Counties: Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom

Southwest Regional Office

Phone: (360) 407-6300 (voice) or (800) 833-6388 (TTY)

Counties: Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, Wahkiakum

Central Regional Office

Phone: (509) 575-2490 (voice) or (800) 833-6388 (TTY)

Counties: Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima

Eastern Regional Office

Phone: (509) 329-3400 (voice) or (800) 833-6388 (TTY)

Counties: Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman



Washington Department of Ecology Brownfields Coordinator

Kathi Scanlan

Phone: (360) 407-7146

E-Mail: ksca461@ecy.wa.gov

Information About Regulated Sites



Site Information – USEPA

Has information about regulated sources, human health, and ecosystems for most locations in Washington State. The application accepts a simple latitude/longitude coordinate, site names, cities, or zip codes for starting location points, and produces a text report and a color plot (optional).

WEB Site address: <http://www.epa.gov/r10earth/siteinfo.html>

Contact: Ray Peterson

Phone: toll free at 1-800-424-4EPA or (206) 553-1682

E-Mail: peterston.ray@epa.gov

US Environmental Protection Agency, Region 10, Seattle



Site Information - Department of Ecology

Includes the Hazardous Sites List.

WEB Site Address: <http://www.ecy.wa.gov/programs/tcp/cleanup.html>

Contact: Toxics Cleanup Program

Phone: (360) 407-7170

Washington State Department of Ecology

Site Assessment and Cleanup Information

USEPA has published three documents to describe the range of technology options available for the investigation and cleanup of brownfields sites

- ✂ *"Tool Kit of Information Resources for Brownfields Investigation and Cleanup", EPA #542-B-97-001.*
- ✂ *"Road Map to Understanding Innovative Technology Options for Brownfields Investigation and Cleanup", 3rd Edition, EPA #542-B-01-001.*
- ✂ *"Quality Assurance Guidance for Conducting Brownfields Site Assessments"* EPA #540-R-98-038, September 1998. This reference document describes key principles and best practices for brownfields site assessment quality assurance and quality control.

Documents and other assistance may be available electronically by contacting USEPA's National Center for Publications and Information.

Phone: (513) 489-8190

Private-sector parties may order these documents through the National Technical Information Service.

Phone: (703) 487-4650 US Environmental Protection Agency

Resources:

State Cleanup Programs

Cleanup Levels for Industrial Redevelopment

This sets cleanup standards for brownfields properties that will be redeveloped for industrial use. A cleanup standard tailored to the industrial use of a site often can help lower cleanup costs.

Contact: Pete Kmet

Phone: (360) 407-7199

E-Mail: pkme461@ecy.wa.gov

Washington State Department of Ecology

Ecology Cleanup Tools

Property owners may elect to conduct a cleanup on their property. There are several ways Ecology can help you with your cleanup, whether you wish to perform it completely independently, with some Ecology assistance, or under Ecology oversight. Ecology provides these services on a cost reimbursable basis to cover the direct and support costs related to providing both timely reviews of independent cleanups and technical assistance. Outlined below is an overview of these services and a discussion of issues to consider while evaluating how Ecology can best help you accomplish your cleanup goals.

- ✂ **Ecology Voluntary Cleanup Program:** Ecology Consultations are available for any independent investigation cleanup to obtain informal guidance or advice from Ecology. Technical assistance and consultation is available before, during, or after a cleanup. An informal, written agency opinion about your plans or cleanup results may be provided, including a “no further action” determination when the cleanup is successful.
- ✂ **Prepayment Agreement:** Under this option, Ecology oversees and approves the proposed cleanup; this option can also be used to obtain a settlement of liability (also see information below).
- ✂ **Prospective Purchaser Agreement:** This type of Ecology assistance may be available to those interested in purchasing property who wish to characterize the extent of contamination at a site and resolve cleanup liability (also see below).

Contact: Trish Akana or appropriate Ecology Regional Office

Phone: (360) 407-7230

E-Mail: taka461@ecy.wa.gov

Washington State Department of Ecology

Quicker Cleanups with Prepayment Agreements

These agreements are voluntarily requested by persons who want Ecology's assistance in cleaning up their site. The remedial actions are conducted under an agreed order or consent decree that is negotiated between the potentially liable person and Ecology. Persons requesting a prepayment agreement will pay some or all of the costs of Ecology's oversight up-front, rather than having Ecology cost recover after-the-fact.

Contact: Trish Akana or appropriate Ecology Regional Office

Phone: (360) 407-7230

E-Mail: taka461@ecy.wa.gov

Washington State Department of Ecology

Clarifying Liability

Contiguous Property Owners Exemption from Federal Liability

Property owners owning contaminated property contiguous to a Superfund site are exempt from CERCLA liability, if the owner:

- ✂ is not otherwise liable for the contamination and is not affiliated with a liable party;
- ✂ takes reasonable steps with respect to hazardous substances on the property, cooperates and provides assistance and site access, complies with land use controls, site information requests, and legal notice requirements; and
- ✂ conducts "all appropriate inquiry" at time of purchase and demonstrates they did not know or have reason to know of contamination. Relevant guidance on this and other Federal liability policies with respect to contaminated sites may be found at:
<http://www.epa.gov/compliance/resources/publications/cleanup/brownfields/handbook/cov-toc-preface-purpose.pdf>

WEB Site address: <http://www.epa.gov/swerosps/bf/gdc.htm>

Contact: Timothy Brincefield

Phone: toll free at 1-800-424-4EPA or (206) 553-2100

E-Mail: brincefield.timothy@epa.gov

US Environmental Protection Agency, Region 10, Seattle

Covenants Not To Sue

Under state law, when ownership or operation of property is transferred, any covenant not to sue and contribution protection given to the prior owner or operator will automatically apply to successor owners and operators within certain constraints.

Contact: Pete Kmet or the appropriate Ecology Regional Office

Phone: (360) 407-7199

E-Mail: pkme461@ecy.wa.gov

Washington State Department of Ecology

Environmental Protection Agency Comfort Letter Guidance

Describes four sample responses USEPA can use to respond to inquiries about parcels of land and their status relative to federal Superfund action. This information can be important for property transactions. For instance, a comfort letter can indicate if USEPA has completed an investigation at a site and determined no further Superfund work is required, or a letter may recognize that the state is the lead at a particular site.

WEB Site address: <http://www.epa.gov/swerosps/bf/gdc.htm>

Contact: Timothy Brincefield

Phone: toll free at 1-800-424-4EPA or (206) 553-2100

E-Mail: brincefield.timothy@epa.gov

US Environmental Protection Agency, Region 10, Seattle



Groundwater Plume

State law provides an exemption from liability for owners of property that overlies a contaminated groundwater plume if the property is not a source of the contamination and the owners do not contribute to the release of contamination. Certain conditions concerning access and institutional controls must also be met.

Contact: Pete Kmet or the appropriate Ecology Regional Office.

Phone: (360) 407-7199

E-Mail: pkme461@ecy.wa.gov

Washington State Department of Ecology



Lender Liability Exemption

Both federal and state law grant lenders an exemption from liability for remedial actions while they hold an ownership interest in a facility, primarily to protect a security interest. Note, however, that there are some different criteria to meet in order to qualify for the federal vs. state exemption.

WEB Site address: <http://www.epa.gov/swerosps/bf/gdc.htm>

Contact: Pete Kmet

Phone: (360) 407-7199

E-Mail: pkme461@ecy.wa.gov

Washington State Department of Ecology

Contact: Timothy Brincefield

Phone: toll free at 1-800-424-4EPA or (206) 553-2100

E-Mail: brincefield.timothy@epa.gov

US Environmental Protection Agency, Region 10, Seattle



Municipal Immunity from CERCLA and MTCA Liability for Involuntary Acquisitions

The federal Superfund law and the state cleanup law provide exemptions for municipal governments that acquire property through involuntary acquisitions.

WEB Site address: <http://www.epa.gov/swerosps/bf/gdc.htm>

Contact: Timothy Brincefield

Phone: toll free at 1-800-424-4EPA or (206) 553-2100

E-Mail: brincefield.timothy@epa.gov

US Environmental Protection Agency, Region 10, Seattle

Contact: Pete Kmet

Phone: (360) 407-7199

E-Mail: pkme461@ecy.wa.gov

Washington State Department of Ecology



Private Right of Action

State law gives a person cleaning up contaminated property the authority to file a lawsuit to seek recovery of their cleanup costs from other potentially liable persons. To recover costs, the person must show that the cleanup is the substantial equivalent of a department-conducted or department-supervised remedial action.

Contact: Michael Feldcamp

Phone: (360) 407-7531

E-mail: mfel461@ecy.wa.gov

Washington State Department of Ecology



Prospective Purchaser Agreements: State Program

The Office of the Attorney General and the Department of Ecology may enter into a settlement with a person who proposes to purchase, redevelop, or reuse a contaminated property. Criteria for these agreements are:

Agreement will yield substantial new resources to facilitate cleanup.

- ✂ Agreement will expedite remedial action consistent with Model Toxics Control Act rules.
- ✂ Redevelopment or reuse of the property is unlikely to contribute to the existing contamination, to interfere with remedial actions that may be needed at the site, or to increase health risks to persons at or in the vicinity of the site. The primary purpose of this agreement is to promote the cleanup and reuse of vacant or abandoned commercial or industrial contaminated property. The Office of the Attorney General and Department of Ecology may give priority to settlements that will provide a substantial public benefit.

Contact: Pete Kmet or the appropriate Ecology Regional Office

Phone: (360) 407-7199

E-Mail: pkme461@ecy.wa.gov

Washington State Department of Ecology



Prospective Purchasers Exemption from Federal Liability

For purchasers buying contaminated property after January 11, 2002, potential CERCLA liability is limited to a "windfall lien" for increase in value of the property attributable to USEPA's response action, provided the purchaser: is not otherwise liable for the contamination and is not affiliated with a liable party; does not impede cleanup; exercises appropriate care by taking reasonable steps; cooperates and provides assistance and site access; complies with land use controls, site information requests, and legal notice requirements; and, conducts "all appropriate inquiries" prior to purchase. USEPA has issued guidance on its approach to implementing the Bona Fide Prospective Purchaser Amendments in view of the limitation on liability for prospective purchasers. More information may be found at:

www.epa.gov/compliance/resources/policies/cleanup/superfund/common-elem-guide.pdf

USEPA's opinion is that by providing a statutory liability limitation, Congress has made Prospective Purchaser Agreements (PPA) unnecessary in most instances and identified those limited circumstances where they might be appropriate. USEPA will consider providing a prospective purchaser with a covenant not to sue.

Contact: Timothy Brincefield

Phone: toll free at 1-800-424-4EPA or (206) 553-2100

E-Mail: brincefield.timothy@epa.gov

Environmental Protection Agency, Region 10, Seattle



Underground Storage Tank (UST) Lender Liability Rule

Describes when a lender may be exempt from UST liability.

Contact: Todd Bender

Phone: toll free at 1-800-424-4EPA or (206) 553-0344

E-Mail: bender.todd@epa.gov

US Environmental Protection Agency, Region 10, Seattle

Resources:

Funding/Financing

Listings in this section are coded to show the kind of entity they are available to:

(G) = Government

(N) = Nonprofit

(B) = Business



Loans for Brownfields Site Cleanup (B, G, N)

Washington State received several million dollars from USEPA to capitalize a revolving loan fund for cleanup. Privately- and publicly-owned properties throughout the state may be eligible to receive loans for brownfields cleanup under this program and response planning in certain circumstances. Cleanups must be done through the State Voluntary Cleanup Program and must meet additional federal cleanup and public involvement requirements. Government jurisdictions and non-profit entities can receive a loan/grant combination. The maximum loan amount under this program is \$425,000.

Contact: Tom Stiltz

Phone (360) 725-4045

E-Mail: toms@cted.wa.gov

Community Trade and Economic Development

Contact: Tim Brincefield

Phone: toll free at 1-800-424-4EPA or (206) 553-2100

E-Mail: brincefield.timothy@epa.gov

US Environmental Protection Agency, Region 10, Seattle



EDA Brownfields Project Assistance (G)

The U.S. Department of Commerce, Economic Development Administration (EDA) administers several grant programs available to state and local governments to assist local economic development efforts to induce private investment activity in economically distressed areas. EDA is currently working in partnership with USEPA, US Department of Defense (DOD), and other federal agencies, to develop programs to support the goals of the Brownfields Initiative. This assistance may include Technical Assistance Grants to help assess the suitability of brownfields for economic redevelopment. Under limited circumstances (small projects, defense conversion projects, etc.) funding may be available for actual cleanup of qualifying properties.

Contact: Betty Atkinson

Phone: (206) 220-7665

E-Mail: batkins2@doc.gov

U.S. Department of Commerce, Economic Development Administration (EDA)



Grants for Local Governments (G)

State grants allocate funds from the Local Toxics Control Account to local governments for cleanup of contaminated sites, including brownfields. Three categories of assistance are available:

- ✂ *Site Study and Remediation.* These grants help local governments study and clean up hazardous waste sites where the local government is a Potentially Liable Person or who has entered with the Department of Ecology into a prospective purchaser agreement assuming all or part of the cleanup liability at a hazardous waste site.
- ✂ *Safe Drinking Water Actions.* These grants help water system purveyors provide safe drinking water to areas where a hazardous waste site has contaminated drinking water.
- ✂ *Site Hazard Assessment.* These grants help local health departments/districts investigate suspected hazardous waste sites, including suspected methamphetamine laboratories, within their jurisdictions.

Contact: Diane Singer

Phone: (360) 407-6062

E-Mail: dire461@ecy.wa.gov

Washington State Department of Ecology



USEPA Assessment Grants (G)

Tribal, state, local and regional government entities are eligible to apply for grants to inventory, characterize, assess and/or conduct planning related to one or more brownfields sites. The grants are selected through a formal national competition. Applicants may apply for up to \$200,000 (or in certain cases \$350,000) to assess one or more sites. Applications are solicited in the fall of each year, and decisions are announced the following spring or summer.

WEB Site address: <http://www.epa.gov/swerosps/bf/pilot.htm>

Contact: Deborah Burgess

Phone: toll free at 1-800-424-4EPA or (360) 753-9079

E-Mail: burgess.deborah@epa.gov

US Environmental Protection Agency, Region 10, Seattle

Contact: Tim Brincefield

Phone: toll free at 1-800-424-4EPA or (206) 553-2100

E-Mail: brincefield.timothy@epa.gov

US Environmental Protection Agency, Region 10, Seattle



USEPA Job Training Grants (G, N)

A competitive process that funds projects to facilitate cleanup of brownfields sites and prepare trainees for future employment in the environmental fields. Pilot applicants must be located within or near other brownfields demonstration assessment pilots described above. Up to \$200,000 per project is available to colleges, universities, nonprofit training centers, community job training organizations, states, cities, towns, counties, US territories, and federally recognized Indian Tribes.

WEB Site address: <http://www.epa.gov/brownfields>

Contact: Laura Caparoso

Phone: toll free at 1-800-424-4EPA or (206) 553-6378

E-Mail: caparoso.laura@epa.gov

US Environmental Protection Agency, Region 10, Seattle



USEPA Revolving Loan Fund Grants (G)

Under the new brownfields law, USEPA may award up to \$1,000,000 to Tribal, State, Local and Regional governments to capitalize and administer revolving loan funds for cleanup of sites. Such funds may be used to make cleanup loans, grants, or both. This is also an annual, competitive grant program. USEPA has already awarded \$5.2 million to the Washington State Department of Community, Trade and Economic Development (CTED) for the Washington State Brownfields Coalition, most of which is available now. Partners in this program include CTED, Ecology, Seattle/King County, and the City of Tacoma. Properties throughout the state are eligible to receive assistance for brownfields cleanup under this program (see “Loans for Brownfields Site Cleanup”).

Contact: Tim Brincefield

Phone: toll free at 1-800-424-4EPA or (206) 553-2100

E-Mail: brincefield.timothy@epa.gov

US Environmental Protection Agency, Region 10, Seattle



USEPA Brownfields Cleanup Grants (G, B)

State, local and Tribal government entities and certain non-profits are eligible to apply for grants of up to \$200,000 per site to clean up sites contaminated with hazardous substances, petroleum and controlled substances (drug labs). Mine-scarred lands are also eligible for cleanup grants. Typically, proposals are due in the fall with awards made the following summer. The new statute also includes limits on the use of grants in some situations, including:

- ✂ applicants must own the property at the time of award of the grant;
- ✂ there is a 20% cost-share requirement;
- ✂ grants can't be made for cleanup of National Priorities List (Superfund) sites or federal facilities; and
- ✂ grants can't be made to parties who are potentially liable for contamination at the property under federal law.

Contact: Deborah Burgess

Phone: toll free at 1-800-424-4EPA or (360) 753-9079

E-Mail: burgess.deborah@epa.gov

US Environmental Protection Agency, Region 10, Seattle

Contact: Tim Brincefield

Phone: toll free at 1-800-424-4EPA or (206) 553-2100

E-Mail: brincefield.timothy@epa.gov

US Environmental Protection Agency, Region 10, Seattle



Coastal Revolving Loan Fund and Coastal Technical Assistance Loan Fund; (G, B)

Available only in Clallam, Jefferson, Grays Harbor, Pacific and Wahkiakum Counties. Revolving loan fund offers up to \$150,000 to businesses conducting cleanup that will lead directly to creation or retention of at least one job for each \$50,000 in loans. Technical assistance loan fund offers local governments and businesses up to \$50,000 for cleanup-related projects, such as local municipality feasibility studies, that will lead to job creation or retention.

Contact: Steve Saylor

Phone: (360) 725-4046

E-Mail: stevesa@cted.wa.gov

Washington State Department of Community, Trade and Economic Development



Community Development Block Grant Float Loan (B)

Provides below market rate, short-term, secured loans for hazardous waste cleanup projects that will lead to job creation or retention. This program is available only through the State to projects in areas of the state that do not receive direct funding from the US Housing and Urban Development Department (HUD). See the list of such areas in the Community Development Block Grant Loan Fund description on the next page.

Contact: Steve Saylor

Phone: (360) 725-4046

E-Mail: stevesa@cted.wa.gov

Washington State Department of Community, Trade and Economic Development



Rural Washington Block Grant Loan Fund (B)

Lender of Last Resort loans to businesses to pay the difference between total cleanup costs and all other available loans. The project must lead directly to creation or retention of at least one job for each \$50,000 in loan principle. Funding is provided through the US Housing and Urban Development Department (HUD) to the local government agencies outside of entitlement areas.

Contact: Steve Saylor

Phone: (360) 586-4046

E-Mail: stevesa@cted.wa.gov

Washington State Department of Community, Trade and Economic Development



Industrial Revenue Bonds (B)

Lower-cost, tax-exempt financing of cleanup costs where owner/developer intends to build an industrial facility.

Contact: Jonathan Hayes

Phone: (206) 587-5634

E-Mail: wedfa@wshfc.org

Washington Economic Development Finance Authority



Loans for Pollution Cleanup and Prevention (B)

Cascadia Revolving Fund, a non-profit community development loan fund, provides loans to finance pollution cleanup and prevention. Up to \$150,000 per site.

Contact: Shaw Canale

Phone: (206) 447-9226

E-Mail: 104425.1374@compuserve.com

Cascadia Revolving Fund

Targeted Brownfields Site Assessments (TBA) (G, N)

USEPA may fund Targeted Brownfields Site Assessments (TBA) by the request of states, Tribes, and municipalities. USEPA also provides funds to the State of Washington for this activity. Sites contaminated or suspected to be contaminated with hazardous substances are eligible for assistance. A TBA can identify existing contamination and establish cleanup options and cost estimates based on future use and development plans. Sites to be funded by this program include those where there will be substantial benefits to the community, and an assessment will promote cleanup and redevelopment of a brownfields site. Note that USEPA generally will not fund assessments at sites where the owner is responsible for the contamination unless there is a clear means for recouping costs.

Contact: Michael J. Spencer

Phone: (360) 407-7195

E-Mail: mspe461@ecy.wa.gov

Washington State Department of Ecology

Contact: Joanne LaBaw

Phone: toll free at 1-800-424-4EPA or (206) 553-2594

E-Mail: labaw.joanne@epa.gov

US Environmental Protection Agency, Region 10, Seattle

U.S. Dept. of Housing and Urban Development (G)

The U.S. Department of Housing and Urban Development has a number of programs available to support brownfields cleanup and redevelopment. These include Community Development Block Grants (CDBG), that can be used for brownfields cleanup including petroleum, and Section 108 Loan Guarantees, where jurisdictions may borrow five times their annual CDBG allotments for direct use or to re-lend to third parties for cleanup and redevelopment. Finally, the Brownfields and general Economic Development Initiative (BEDI & EDI) grants can be used in a variety of ways to facilitate redevelopment of specific properties.

Contact: Donna Batch

Phone: (206) 220-5150 ext. 3620

E-Mail: Donna_Batch@hud.gov

US Department of Housing and Urban Development

U.S. Small Business Administration (B)

The Small Business Administration (SBA) has a “pollution control loan” (guaranty only) program which provides financial assistance to eligible small business companies for the financing of the planning, design or installation of a pollution control facility. SBA also has a 504 Certified Development Company Program that provides growing businesses with long-term, fixed-rate financing for major fixed assets, such as the purchase of land and building improvements. For more information on these programs, contact one of the two SBA district offices in Washington.

Contact: Lynn Hamilton

Phone: Seattle Office (206) 553-7310, Spokane Office (509) 353-2811

U.S. Army Corps of Engineers (G)

The Corps can provide support to brownfields projects under two broad program mission areas. The first is civil works project planning and construction programs for water resource projects in conjunction with waterfront revitalization efforts. These projects are cost-shared with a non-federal project sponsor. Cost-sharing depends on the program, but generally is 65% federal 35%

non-federal. The problems that can be addressed under these programs include navigation improvements in rivers and harbors, flood damage reduction, shore protection, and habitat restoration. Brownfields assessment work can at times be cost-shared under this authority. If the assessment determines that there are non-CERCLA types of materials or small, easily and cost-effectively managed amounts of CERCLA types of materials, then these sites may be included in project formulation, and any remediation costs could be shared as project costs, consistent with Corps regulations and guidance. The Corps has not been authorized or funded to address brownfields redevelopment needs. However, there may be opportunities for the Corps to contribute to cleanup and reuse goals where assessment and cleanup are integral to solving water resource problems. The second mission-related program area is engineering and environmental technical support provided on a reimbursable basis to other government entities. The Corps provides technical project support to a variety of agencies (Army, Air Force, Forest Service, USDA, USEPA) involved in site assessment, cleanup planning, and remediation oversight. Depending on the scope of the project, this type of support may be available to local governments.

Contact: Interagency & International Services Program

Lynn A. Daniels, P.E.

406-541-4845 x321

lynn.a.daniels@usace.army.mil

Contact: Brownfields PM for USEPA

Kathryn Carpenter

Phone: (206) 766-6440

Kathryn.a.carpenter@usace.army.mil

Contact: Portfields Initiative

Patricia Cardinal Robinson

Phone: (206) 764-3648

patricia.a.robinson@usace.army.mil

Resources:

Permits



Washington State Permit Assistance Center

The Center is a resource for finding the correct state, federal, or local agency for assistance with a permit or project. It provides information on environmental permit requirements such as:

- ✂ whether or not a permit is needed;
- ✂ how long it will take to obtain a permit; and
- ✂ where to get permit applications and assistance.

The Center can arrange pre-application meetings between callers and permit writers from various agencies and will, for a fee, coordinate the process for projects needing multiple permits.

WEB Site address: <http://www.ecy.wa.gov/programs/sea/pac/>

Contact: Department of Ecology, Office of Regulatory Assistance

Phone: (360) 407-7037

E-Mail: ecypac@ecology.ecy.wa.gov

Washington State Department of Ecology

Permit Exemption Authority

State law exempts persons from having to acquire certain state and local permits or approvals for remedial actions that are conducted under a Model Toxics Control Act consent decree, order or agreed order. Substantive requirements and fees still apply.

Contact: Pete Kmet

Phone: (360) 407-7199

E-Mail: pkme461@ecy.wa.gov

Washington State Department of Ecology

Insurance

Insurance Issues

Assists policyholders to:

- ✂ resolve difficult environmental claims;
- ✂ investigate policyholder's concerns with insurer's actions in an environmental claim;
- ✂ reconstruct lost general liability policies for policyholders; and,
- ✂ provide technical assistance on the interpretation or application of Washington State environmental claims regulations.

Contact: Kacy Scott

Phone: (360) 586-3109

E-Mail: inscomr@aol.com

Office of Insurance Commissioner

Insurance Requirements

Insurance companies are required to maintain records of general liability coverage over at least 20 years (effective July 1, 1996) and to respond promptly and fairly to environmental claims. The Office of Insurance Commissioner role in environmental claims includes setting standards for unfair claims settlement practices, establishing procedures for resolving lost insurance policy disputes, and establishing mechanisms for environmental claim mediation.

Contact: Kacy Scott

Phone: (360) 586-3109

E-Mail: inscomr@aol.com

Office of Insurance Commissioner

Private Brownfields Insurance Products

Insurance can assist prospective purchasers, lenders, investors, and redevelopers of potentially contaminated properties to manage financial risks. A USEPA publication, *Potential Insurance Products for Brownfields Cleanup and Redevelopment*, describes these risks and insurance mechanisms that can help manage them. The publication, document # PB96-963244, is available for a small fee from:

National Technical Information Service

U.S. Department of Commerce

5285 Fort Royal Road

Springfield, Virginia 22161

Phone: (800) 553-6847 or (703) 605-6000

Washington Brownfields Highlights

Seattle Revitalizes Rainier Court Property



BEFORE: Rainier Court Brownfields Cleanup – tank removal

Rainier Court is being redeveloped in four phases into affordable- and market-rate housing and commercial space on a seven-acre site in Seattle's Rainier Valley. In February 2005, Courtland Place redeveloped 1.3 acres of the seven-acre site into 208 units of much needed low- and moderate-income senior housing and 9,000 square feet of new ground-floor commercial space.

The site is a brownfield in a low-income and minority neighborhood that prior to cleanup and redevelopment, was a mix of dilapidated buildings, oil drums, tires, old cars, and fenced-off lots overgrown with weeds. This eyesore had been a place of criminal activity and environmental hazards with contamination from illegal filling and decades of light industrial and other uses.

The nonprofit group SEED (SouthEast Effective Development) used tax credits and a complex set of partnerships to launch the cleanup and redevelopment. To make Rainier Court possible, SEED brought together multiple organizations, including King County, the City of Seattle, the USEPA, the Washington Department of Community, Trade and Economic Development (CTED), and Department of Ecology. As a result, Rainier Court was the first recipient of a loan from the Washington Coalition's Brownfields Cleanup Revolving Loan Fund Program.

AFTER: Rainier Court Brownfields – Phase I











City of Sprague Demolition and Cleanup of Old Highway Garage

After seven years of tussle to remove a major eyesore from its downtown core, the community of Sprague (located between Ritzville and Spokane) is going to get its wish. The garage in Sprague has sat empty since the late 1980s, and based on local citizen reports and historical use, there is a strong possibility that the property may contain contamination from leaking underground storage tanks and the auto servicing operation. The tanks leaked around 1986 when they were last filled. Some soils on the site will be removed and hauled away with the tank removal, but the rest of the site will need soils and possibly groundwater monitoring. An interesting twist to this brownfields site is that when the City attorney finally located the previous owners, they didn't even remember owning the property. In lieu of condemnation, the owners gave the property to the City of Sprague.

Over \$300,000 in grants have been secured for building demolition, environmental assessment, and to clean up any contamination remaining from its former use as a gas station and service garage. The environmental assessment will be funded with a grant through the Department of Ecology (Ecology) State and Tribal Response Program Grant to characterize the extent of contamination on the site. Ecology has also pledged technical support for the assessment and cleanup phases of the project. The demolition is funded through a grant from the Washington State Department of Community, Trade and Economic Development (CTED) Block Grant Fund. In addition to the demolition, assessment, and cleanup grants, the City was awarded a planning-only grant through CTED. This grant will help the community to go through a planning process to determine future use of the property.



For More Information

-  *Ecology Toxics Cleanup Program Web Page*
WEB Site address: <http://www.ecy.wa.gov/programs/tcp/cleanup.html>
-  *US Environmental Protection Agency Brownfields Web Page*
WEB Site address: <http://www.epa.gov/brownfields>
-  *Community Trade and Economic Development Web Page*
WEB site address: <http://www.wa.gov/cted/lda>
-  *Washington State Department of Ecology*
Kathi Scanlan (Lacey)
Phone: (360) 407-7146
E-Mail: ksca461@ecy.wa.gov
-  *Washington State Department of Community, Trade and Economic Development*
Ginger Rich (in Seattle)
(206) 956-3162
E-Mail: gingerr@cted.wa.gov
-  *US Environmental Protection Agency*
Tim Brincefield (in Seattle)
(206) 553-2100 or toll free at 1-800-424-4EPA
E-Mail: brincefield.timothy@epa.gov

The U. S. Environmental Protection Agency and the Washington State Departments of Ecology and Community, Trade and Economic Development are equal opportunity agencies.

If you have special accommodation needs or require this document in alternative format, please contact Ecology's Toxics Cleanup Program at (360) 407-7170 (voice) or (800) 833-6388 or 711 (TTY).